

MS-AF
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Axel HUEGLE et al.

Serial No.: 10/554,419

Filed: October 24, 2005

For: Operating Device

Examiner: Smith, Matthew J.
Group Art: 3635

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

SIR:

Applicants request review of the Final Rejection in the above-referenced application. No amendments are being filed with this request.

The review is requested for the reasons set forth on the following pages.

REMARKS

Independent claim 16 stands rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,365,569 ("*Hollweck*"). For the following reasons, reconsideration of this rejection is respectfully requested.

Independent claim 16 recites, *inter alia*, "a recess in the front element, said recess having a first cylindrical guide extending from the rear side of the front element to form a first contact face on said front element, the operating element being movable within said recess and said recess being surrounded by the first contact face on the front element". *Hollweck* fails to teach or suggest *at least* this expressly recited limitation because the structure of *Hollweck* can not be construed to meet *at least* the claimed first cylindrical guide extending from the rear side of the front element to form a first contact face on said front element.

The Examiner (at pg. 4 of the Final Office Action; *Response to Arguments*) contends that:

applicants' claimed recess 14 is considered similar to *Hollweck*'s recess at the contact point of *Hollweck* housing 1 and *Hollweck* button 10. *Hollweck*'s description of 'hollow, ... thimble-shaped push bottom 10' implies a cylindrical guide".

Applicants disagree that *Hollweck* teaches the expressly recited structure of independent claim 16. Even if the recess through which the pushbutton 10 of *Hollweck* extends is considered to be a cylindrical guide (which it is not), *Hollweck* still fails to disclose, teach or suggest "a first cylindrical guide extending from the rear side of the front element to form a first contact face".

Fig. 1 of *Hollweck* depicts a resetting device including a housing 1 and a push button 10 slideably arranged on the housing 1. The lower end of the push button 10 has a flanged portion (not numbered) which interacts with a contact face of the housing 1, the contact face extending radially inward from the side-wall of the housing. The inside of the contact face defines the recess through which the pushbutton 10 extends. The Examiner contends that the radially inner surface of the contact face is the claimed first cylindrical guide. However, there is no

additionally extending surface that extends from the rear of the side of the housing 1 of *Hollweck*. There is simply no additionally extending cylindrical guide that is formed and that extends in the required direction and at the location identified by the Examiner.

On the other hand, the claimed configuration is depicted in Fig. 2 of applicants' drawings, where the cylindrical guide 15 extends from the rear side of the front element 10 and the first contact face 17 is formed at the extreme end of the extended cylindrical guide. There is no corresponding structure in the *Hollweck* device that is located in the same position as the cylindrical guide of independent claim 1 and that extends from the rear side of the front element to form a first contact face on the front element. Accordingly, *Hollweck* fails to disclose "a recess in the front element, said recess having a first cylindrical guide extending from the rear side of the front element to form a first contact face on said front element", as recited in claim 16. *Hollweck* thus fails to anticipate independent claim 16 under 15 U.S.C. §102.

In view of the foregoing, independent claim 16 is patentable over *Hollweck*. Reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) are in order, and a notice to that effect is requested.

Applicants respectfully submit that this application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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